

REPORT
of
COMPLIANCE INSPECTION
of the
GALLOO ISLAND BOAT STATION AND GALLOO ISLAND LIGHT STATION

Lake Ontario, near Hounsfield, Jefferson County, New York

GSA #: 1-D-NY-0735-AA
1-D-NY-0735-AB
1-D-NY-0735-AC

Conducted on May 30, 2012

PURPOSE: An inspection of the Galloo Island Boat Station and Galloo Island Light Station, located on Lake Ontario, near Hounsfield, Jefferson County, New York, was conducted on May 30, 2012, in order to ascertain whether the formerly surplus parcels consisting of 28.59+/- (3.44+/-, 10.0+/- & 15.15+/-) acres of land which were conveyed to the New York State Department of Environmental Conservation – Division of Fish & Wildlife (DEC) at 100% public benefit allowance (as per 16 U.S.C 667b-d) are being used in accordance terms and conditions of the consent decree and subsequent deed.

Of note, this property is only a small portion of Galloo Island, which totals more than 2,000 acres. The majority of the island is privately owned.

PARTICIPANTS:

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PROCEDURE: The Compliance Inspection began with an internal review of the case file and prior compliance inspection reports. The office case file included, but was not limited to, DEC's original application for 1-D-NY-0735-AA dated November 1, 1979, and original application for 1-D-NY-0735-AB and 1-D-NY-0735-AC dated November 20, 1984; site maps; deed dated July 20, 1990 and recorded at Book 1234, Page 0283, and Consent Decree dated June 19, 1987 and recorded at Book 1079, Page 54. The deed and consent decree are attached as Exhibit A.

The field inspection began with an introductory interview with Mr. Jim Farquhar, DEC Region 6 Wildlife Manager. Mr. Farquhar has been with the DEC for many years and is very knowledgeable of the program utilization. He then took us by boat to the Property where we were able to walkthrough Parcel AA, but could not access Parcel AB and AC. Photographs of the Property taken at the inspection are attached as Exhibit B.

FINDINGS:

- (a) **Utilization Plan:** In its original and amended application, DEC proposed to utilize the subject parcels (Property) as part of its research and management program for trout and other fish stock monitoring on Lake Ontario. The Property includes Gill Harbor, the only permanent US harbor available in the open lake sector of the eastern basin, which was intended to be used as a docking and land base for biological and public use studies. Further, the Property was to be used as an observation point for studying waterfowl and other aquatic birdlife, particularly the herring gull, in the area.
- (b) **Conveyance:** The Property consists of three (3) parcels totaling 28.59+/- acres of land, and was conveyed to DEC in on or about July 20, 1990 (Book 1234, Page 0283). 1-D-NY-0735-AA consists of 3.44+/- acres and is at the southern side of the island. Parcel 1-D-NY-0735-AB consists of 10.0+/- acres of land and abuts parcel 1-D-NY-0735-AC which consists of 15.15+/- acres of land. These two parcels are at the westernmost tip of the island. DEC's application had been accepted by GSA in 1985, however a lawsuit initiated by an abutter, the owner of the majority of Galloo Island, delayed the conveyance. It was the abutter's concern that part of the Property would be used for recreation rather than wildlife conservation; specific protective language was inserted in the deed. A copy of the consent decree is in the file dated June 19, 1987 (Book 1079, Page 54).

The noncontiguous parcels are connected by a road that traverses the island. The consent decree and subsequent deed clarified that the Grantor (USA) and the Grantee (DEC) both benefit from the access easement on this existing road pursuant to an Easement for Right-Of-Way dated November 8, 1973 (Book 865, Page 651). Specifically, "the easement and ROW is in full force and effect and do further acknowledge that the employees of the State of New York have the same privileges to utilize the aforementioned easement, for administrative purposes, as to the employees of USA..."

- (c) Inspection: Galloo Island is fairly remote, taking an hour to reach from the mainland. During the field inspection, we docked and inspected Parcel AA. The boathouse and the station house have fallen into disrepair. The DEC has attempted to secure and board up the buildings and posted signs informing people to stay out, but vandals often break the locks and enter. The fence around the parcel's boundary remains intact. As stated above, the Property is noncontiguous with a road connecting the parcels. Due to time, we did not walk the 3-4 mile road to Parcels AB & AC. We attempted to dock at the western end of the island at Parcels AB & AC, but the water was too rough. There have been no improvements constructed on any part of the Property. It is currently being utilized as passive wildlife conservation rather than as an active research and management operation.
- (d) Discussion: The inspection and discussion with the DEC representative revealed the Property continues to be used for wildlife conservation and that no recreational use has occurred on site. The Property is part of the Lake Ontario Islands Wildlife Management Area (LOIWM). While the intent as explained by Mr. Farquar, and discussed in the 2002 LOIWM Management Plan (attached as Exhibit C), is to utilize the Property for monitoring colonial waterbirds as well as trout and other fish, the Property is more fully utilized as passive wildlife conservation due to lack of funding from the State.

CONCLUSION: It is evident that the DEC is fully utilizing the Property in accordance with the terms and conditions of the deed and consent decree, if not realizing the full research and management plan outlined in its application.

RECOMMENDATION: It is recommended that title to the Property remain with the New York State and that the Department of Environmental Conservation should continue to utilize the Property as defined under 16 U.S.C 667b-d.

(b) (6)
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Sara Massarello, Compliance Program Manager
Real Property Utilization and Disposal Division (1PZ)

9/25/2012

Date

Reviewed and Approved by:

(b) (6)

Kevin Legare, Branch Chief
Real Property Utilization and Disposal Division (1PZ)

9/30/12
Date